



**STERN & SCHURIN LLP**  
PATENTS TRADEMARKS COPYRIGHTS

595 STEWART AVENUE  
SUITE 510  
GARDEN CITY, NY 11530  
TEL. (516) 248-0300  
FAX (516) 283-0277  
[WWW.STERNSCHURIN.COM](http://WWW.STERNSCHURIN.COM)

**VIA ECF**

Hon. Sarah L. Cave  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

Plaintiff's request at ECF No. 139 is GRANTED, and the proposed extended briefing schedule set forth therein is ADOPTED. No further extensions will be granted absent a showing of extraordinary cause.

The Clerk of Court is respectfully directed to close ECF No. 139.

SO ORDERED. 3/4/2024

  
SARAH L. CAVE  
United States Magistrate Judge

Re: *Primed Pharmaceuticals LLC v. Starr Indemnity & Liability Co.*  
21-cv-1025 (SLC)

Dear Judge Cave,

This firm represents Plaintiff Primed Pharmaceuticals, LLC ("Primed"). We write this letter pursuant to Your Honor's Individual Practices in Civil Cases I. E. to request a two (2) week extension of time to file Primed's supplemental documentation and briefing. Primed requests that the Court extend the subsequent opposition and reply for the same amount of time so as to avoid any possible prejudice.

As discussed below, Defendant Starr Indemnity & Liability Co. ("Starr") has refused to consent to this request unless Primed agrees to withdraw its pending pre-motion application for contempt with respect to unpaid invoices. We note that the Court has scheduled a conference on Primed's pre-motion request for contempt for March 28, 2024. (Dkt. No. 137)

The original due dates for Primed's submission, Starr's Opposition and Primed's Reply are 3/6/24, 4/4/2024 and 4/18/24 respectively. No previous request for an extension of these dates has been requested or granted. Primed respectfully submits that good cause exists for this request for the reason discussed herein.

Stern & Schurin continues to represent the named defendant Adelphia Supply USA et al and its principles in the Abbott Litigation. Accordingly, in addition to other matters being handled by this office, the undersigned and attorneys in this office have been busily preparing for trial in the Abbott Litigation. As we prepared this past weekend, we realized that an additional two weeks is necessary in the instant matter so as to accumulate and prepare the documentation and briefing required by this Court's Order.

Accordingly, on Saturday March 2, 2024, I reached out to Starr's counsel Al D'Isernia

Hon. Sarah L. Cave  
United States Magistrate Judge  
March 4, 2024  
Page 2

via email. In said email I requested Starr's consent to a two-week extension of all dates, indicating that we were substantially backed up with other matters, including preparing for trial in the Abbott case. The following day Mr. D'Isernia responded stating that "Starr will agree to an adjournment if Primed agrees to withdraw his (sic) request for contempt conference since Starr has issued a partial payment." Since Starr has still failed to make any payment on the \$109,639 in outstanding invoices issued *after* the Court decided that a duty to defend was owed, we immediately asked Mr. D'Isernia how much Starr intended to pay. In response, Mr. D'Isernia stated that "the check is for \$32,219.00," i.e. less than a third of what is owed! See complete email exchange enclosed herewith.

Accordingly, in return for a two-week extension of time to file documentation on Primed's damages motion, Starr requires that Primed accept less than a third of \$109,639 that it is owed, and which is now four months past due. Naturally, Primed cannot agree to Starr's outrageous request.

Therefore, Primed respectfully requests that the due dates for supplemental briefing and documentation on its damages motion (Dkt. No. 137) be adjusted as follows:

Plaintiff to file supplemental documentation and briefing by March 20, 2024;  
Defendant to file any opposition by April 18, 2024; and  
Plaintiff to file any reply by May 2, 2024.

Respectfully submitted,  
**STERN & SCHURIN LLP**  
*Richard S. Schurin*  
Richard S. Schurin

Enclosure